

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARTHUR JAMES GRIFFIN JR.,

Plaintiff,

vs.

OMAHA, CTY- PROSECUTOR,

Defendant.

**8:23CV500**

**MEMORANDUM AND ORDER**

On November 11, 2023, the Plaintiff filed his Complaint under [42 U.S.C. § 1983](#), [Filing No. 1](#), and a motion to proceed in forma pauperis, [Filing No. 2](#), on that same day. On December 19, 2023, the Court issued an order to show cause explaining that, because the Court had previously determined that three or more federal court cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim upon which relief may be granted, Plaintiff must show cause why he is entitled to proceed in forma pauperis pursuant to [28 U.S.C. §1915\(g\)](#) or pay the Court's \$405.00 filing and administrative fees. [Filing No. 8](#). Plaintiff was given 30 days to respond, or the matter would be dismissed without further notice. [Id. at 2](#).

To date, Plaintiff has not filed any response to the order to show cause, paid the filing fee, or taken any other action in this matter.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this Court's orders.
2. Plaintiff's motion to proceed in forma pauperis, [Filing No. 2](#), is denied.
3. The Court will enter judgment by a separate document.
4. Any notice of appeal filed by Plaintiff must be accompanied by the \$605.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal. See [28 U.S.C. §1915\(g\)](#).

Dated this 1st day of February, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Court